

**No. 55**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Wednesday, June 2, 2004.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present  
Barcia—present  
Basham—present  
Bernero—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—present  
Hardiman—present  
Jacobs—present  
Jelinek—present  
Johnson—present  
Kuipers—present  
Leland—present  
McManus—present

Olshove—present  
Patterson—present  
Prusi—present  
Sanborn—present  
Schauer—present  
Scott—present  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—excused  
Toy—present  
Van Woerkom—present

Senator Raymond E. Basham of the 8th District offered the following invocation:

Gracious Heavenly Father, we thank You for this day. We thank You for the sunshine that You've bestowed upon us. Thank You for both parties as they deliberate the state's budget. We look forward to doing the people's work, and it's in His name we pray. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

11:05 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Goschka, Hardiman, Leland, Sikkema, Cropsey, Gilbert, McManus, Johnson, Van Woerkom, Stamas, Jelinek, Kuipers, Garcia, Brown, George, Clarke, Birkholz, Toy, Allen and Bishop entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Hammerstrom moved that the enrollment be vacated on the following bill:

**Senate Bill No. 626, entitled**

An act to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

The motion prevailed.

The bill was placed on the order of Messages from the House.

Senator Schauer moved that Senator Thomas be excused from today's session.

The motion prevailed.

The following communication was received:

Public Service Commission

May 26, 2004

The enclosed annual report, *Status of Telecommunications Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 103 of the Michigan Telecommunications Act as amended in July of 2000. This report will be available on the Commission website at [www.michigan.gov/mpsc](http://www.michigan.gov/mpsc).

The purpose of this report is to describe the status of competition in telecommunications service in Michigan, including, but not limited to, the toll and local exchange service markets in the state. This is the fourth report of this nature.

During 2003, competition in the telecommunications market in Michigan has experienced continued steady growth. The percentage of competitive lines serving customers is now at a 26.5% share. Competition has been fostered with vigilant regulatory oversight to ensure that competitors are able to obtain the access to needed elements of the incumbent's network without incumbent interference or obstruction. Competition for basic local exchange service in Michigan, however, is mainly based on the competitors using local switching via SBC's unbundled network element platform (UNE-P) to provision customers.

UNE-P accounted for 73% of the competitive lines used to serve customers in 2003. This method of serving customers is in a state of uncertainty as the Federal Communications Commission (FCC) and the courts are currently reviewing the D.C. Circuit's decision to overturn portions of the FCC's Triennial Review Order, which may eliminate the incumbent's obligation to provide UNE-P to the competitors at a regulatory price. If UNE-P is prematurely no longer available at a regulated price, Michigan would be left with a considerably smaller level of competition.

This Commission is very mindful of the effects on the competitors of losing UNE-P at a reasonable price as a way of provisioning customers and it has been very active in the federal and Court proceedings in an effort to protect and preserve competition in Michigan. This Commission will continue to attempt to balance the interests of incumbents, competitors, and customers while promoting competitive choice in the telecommunications market in Michigan. The Commission will apprise the Governor and the Legislature of any developments that may require action.

Respectfully yours,  
J. Peter Lark, Chair  
Robert B. Nelson, Commissioner  
Laura Chappelle, Commissioner

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, June 1:  
**House Bill No. 5243**

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

Senator Hammerstrom moved that consideration of the following bill be postponed for today:  
**Senate Bill No. 267**  
The motion prevailed.

**Senate Bill No. 320, entitled**

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect, Senator Hammerstrom moved that further consideration of the bill be postponed for today.  
The motion prevailed.

**Senate Bill No. 918, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539j. The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 19, following subsection (4), by inserting:

**"(5) This section does not apply to a peace officer of this state or of the federal government, or the officer's agent, while in the performance of the officer's duties."** and renumbering the remaining subsection.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 943, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House, Senator Kuipers offered the following amendments to the substitute:

1. Amend page 3, line 11, after "subsection" by striking out "(6)" and inserting "(7)".

2. Amend page 3, line 23, after the first "the" by striking out "class" and inserting "course".

3. Amend page 3, line 23, after the third "the" by striking out "class" and inserting "course".

4. Amend page 3, line 25, after "the" by striking out "class" and inserting "course".

5. Amend page 3, line 26, after "class." by striking out "**If a class is part of a course, then the requirements of this subsection may be met for the entire course by notifying the pupil's parent or guardian in advance of the course and the content of the course, giving the pupil's parent or guardian a prior opportunity to review the materials to be used in the course, and notifying the pupil's parent or guardian of his or her right to have the pupil excused from the course.**".

6. Amend page 4, line 26, after “**by**” by striking out “**the**” and inserting “**a**”.
7. Amend page 4, line 27, after the second “**district**” by striking out the balance of the line through “**also**” on line 1 of page 5 and inserting “**shall**”.
8. Amend page 6, line 23, after “**hours,**” by inserting “within a course of instruction”.
9. Amend page 6, line 24, after “**assembly**” by striking out the balance of the subdivision and inserting “**or small group presentation.**”.
10. Amend page 7, line 13, after “**following**” by striking out “**if age-appropriate**”.
11. Amend page 8, line 24, after “**for**” by striking out “**at least**” and inserting “**up to**”.

The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 340**

**Yeas—30**

Allen	Cherry	Hardiman	Prusi
Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kuipers	Sikkema
Bernero	Garcia	Leland	Stamas
Birkholz	George	McManus	Switalski
Bishop	Gilbert	Olshove	Toy
Brown	Goschka	Patterson	Van Woerkom
Cassis	Hammerstrom		

**Nays—6**

Brater	Emerson	Schauer	Scott
Clark-Coleman	Jacobs		

**Excused—1**

Thomas

**Not Voting—1**

Johnson

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Brown as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 5478, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166a (MCL 388.1766a), as amended by 2003 PA 158.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 4983, entitled**

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a registry; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 5, following line 13, by inserting:

"(f) A nonprofit religious, charitable, social service, or similar organization that provides the services listed under subdivision (e) without compensation.

(g) A translation business that meets the following criteria:

(i) Was an active member of the American translators association on September 1, 2001, and abides by and is subject to its code of ethical practices.

(ii) Is incorporated.

(iii) Keeps commercial offices in the state of Michigan.

(iv) Derives 90% of its income from the translation business.

(v) Has sales exceeding \$100,000.00 per year in the translation business.

(vi) Was engaged in the translation business on September 1, 2001."

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 928, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 8 (MCL 42.8).

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 955, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 953, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5526, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 11, line 11, by striking out "20,101,400" and inserting "21,614,500".
2. Amend page 11, line 23, by striking out "16,114,000" and inserting "17,627,100" and adjusting the subtotals, totals, and section 201 accordingly.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 5526**

The motion prevailed, a majority of the members serving voting therefor.

The following bill was read a third time:

**House Bill No. 5526, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 341**

**Yeas—36**

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn
Basham	Clarke	Jacobs	Schauer
Bernero	Cropsey	Jelinek	Scott
Birkholz	Emerson	Johnson	Sikkema
Bishop	Garcia	Kuipers	Stamas
Brater	George	Leland	Switalski
Brown	Gilbert	McManus	Toy
Cassis	Goschka	Olshove	Van Woerkom

**Nays—1**

Patterson

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of  
**General Orders**

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 5522, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 2, following line 20, by inserting:  
     “Holiday transit costs for troops ..... 100”.
2. Amend page 3, line 1, by striking out “14,652,500” and inserting “14,652,600”.
3. Amend page 3, line 13, by striking out “8,377,600” and inserting “8,377,700”.
4. Amend page 6, line 20, by striking out “1,099,300” and inserting “1,182,100”.
5. Amend page 7, line 2, by striking out “340,800” and inserting “423,600” and adjusting the subtotals, totals, and section 201 accordingly.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 5522**

The motion prevailed, a majority of the members serving voting therefor.

The following bill was read a third time:

**House Bill No. 5522, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 342**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer

Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Scott  
Sikkema  
Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

**General Orders**

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 5509, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 22, following line 24, by inserting:

“Sec. 707. The legislature believes that fostering partnerships to benefit rural Michigan is important. In order to enhance current efforts, the Michigan commission of agriculture shall allocate time on its agenda at least twice each year during regular commission meetings to receive reports from the Michigan rural partnership council and explore ways to work together to advance the interests of rural Michigan. In addition, the Michigan rural partnership council is encouraged to submit an annual report to the senate and house of representatives appropriations subcommittees on agriculture and the senate and house of representatives standing committees dealing with agriculture issues.”

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 5509**

The motion prevailed, a majority of the members serving voting therefor.



The following bill was read a third time:

**House Bill No. 5509, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 343**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of  
**General Orders**

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 5516, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 26, line 23, after “meet” by striking out the balance of the subsection and inserting “the requirements under sections 1169, 1507, and 1507b of the revised school code, 1976 PA 451, MCL 380.1169, 380.1507, and 380.1507b.”

2. Amend page 34, line 2, by striking out “that serves the state’s elderly population”.

3. Amend page 48, following line 19, by inserting:

“Sec. 549. From the funds appropriated in part 1 for domestic violence prevention and treatment services and allocated according to caseloads for shelter, counseling, 24-hour hotline, and other related services to Barry and Calhoun counties in FY 2003-04, the department shall allocate federal funds to Barry County for services that comply with all domestic violence board standards and reporting requirements.”

4. Amend page 70, following line 7, by inserting:

“Sec. 719. The department shall notify the legislature at least 30 days prior to closing the Adrian training school or transferring any of the school’s residents or employees.”

5. Amend page 74, following line 1, by inserting:

“Enacting section 1. This act does not take effect unless House Bill No. 5589 of the 92nd Legislature is enacted into law.”

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

**House Bill No. 5478**

**House Bill No. 5516**

The motion prevailed, a majority of the members serving voting therefor.

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**House Bill No. 5516**

**House Bill No. 5521**

**House Bill No. 5517**

**House Bill No. 5520**

**House Bill No. 5519**

**House Bill No. 5478**

**Senate Bill No. 926**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5516, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 10, line 18, by striking out “42,700,500” and inserting “45,914,500”.

2. Amend page 10, line 19, by striking out “52,080,000” and inserting “56,000,000”.

3. Amend page 10, line 20, by striking out “11,445,700” and inserting “12,307,200”.

4. Amend page 10, line 21, by striking out “15,413,600” and inserting “16,573,900”.

5. Amend page 10, line 25, by striking out “77,619,900” and inserting “83,462,300”.

6. Amend page 10, line 27, by striking out “10,260,000” and inserting “11,032,200” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 344****Yeas—18**

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Birkholz	Emerson	Prusi	Van Woerkom
Brater	Goschka		

**Nays—19**

Allen	Garcia	Jelinek	Sanborn
Bishop	George	Johnson	Sikkema
Brown	Gilbert	Kuipers	Stamas
Cassis	Hammerstrom	McManus	Toy
Cropsey	Hardiman	Patterson	

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

Senator Schauer offered the following amendment:

1. Amend page 48, following line 19, by striking out all of section 549.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 345****Yeas—14**

Basham	Clark-Coleman	Leland	Schauer
Bernero	Clarke	Olshove	Scott
Brater	Emerson	Prusi	Switalski
Cherry	Jacobs		

**Nays—22**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

**Excused—1**

Thomas

**Not Voting—1**

Barcia

In The Chair: President

**Protests**

Senators Birkholz and Cropsey, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Schauer to House Bill No. 5516.

Senator Birkholz moved that the statement she made during the discussion of the amendment be printed as her reasons for voting “no.”

The motion prevailed.

Senator Birkholz’s statement, in which Senator Cropsey concurred, is as follows:

Domestic violence is horrible. It’s a scourge on our society. It’s a sin against women and children. All I’m asking for is the money that’s allocated to my county and is not being received by my county’s residents. I’m not asking for more or less. I’m just asking for the money that is due them to be able to get to them to give them the service that they need. I urge you to defeat this amendment.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 346****Yeas—24**

Allen	Cherry	Hammerstrom	Patterson
Barcia	Cropsey	Hardiman	Sanborn
Birkholz	Garcia	Jelinek	Sikkema
Bishop	George	Johnson	Stamas
Brown	Gilbert	Kuipers	Toy
Cassis	Goschka	McManus	Van Woerkom

**Nays—13**

Basham	Clarke	Leland	Schauer
Bernero	Emerson	Olshove	Scott
Brater	Jacobs	Prusi	Switalski
Clark-Coleman			

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

**Protest**

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5516 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott’s statement is as follows:

Earlier I was going to support this, and I told the chair of that committee that I would. But there have been amendments put on since then that I cannot live with. I cannot pit one person against another. As I indicated earlier, we’re all God’s children. Those are our most vulnerable people, especially our children, where we’re not willing to put the money where we ought to put it. Yes, I understand that we do have a lot of violence in this state, in more ways than one, but I cannot in good conscience vote for this because of what we have debated here today.

Normally, when I give my word, it’s my bond, but there were changes here that I can’t live with. So I’ll be voting “no” on this and would encourage my colleagues to do so.

**Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 1:02 p.m.

3:04 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Clarke, George, Switalski, Cropsey, Scott, Clark-Coleman and Thomas introduced

**Senate Bill No. 1277, entitled**

A bill to amend 1977 PA 89, entitled “State aid to public libraries act,” by amending section 6 (MCL 397.556), as amended by 2001 PA 65.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Birkholz introduced

**Senate Bill No. 1278, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending the part heading to part 802 and sections 80201, 80202, 80205, 80206, and 80222 (MCL 324.80201, 324.80202, 324.80205, 324.80206, and 324.80222), as added by 2000 PA 229.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Allen, Hardiman, Birkholz, Kuipers, McManus, Stamas, Barcia, Brown and Goschka introduced  
**Senate Bill No. 1279, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Birkholz, Allen, Hardiman, Kuipers, McManus, Stamas, Barcia, George and Brown introduced  
**Senate Bill No. 1280, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74101 (MCL 324.74101), as added by 1995 PA 58, and by adding section 74102a.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Stamas, Allen, Hardiman, Birkholz, Kuipers, McManus, Barcia, George, Brown and Goschka introduced  
**Senate Bill No. 1281, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74124.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Toy, Garcia, Kuipers, Schauer, Birkholz, Goschka, Hardiman, Basham, McManus and Olshove introduced  
**Senate Bill No. 1282, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803e, 803f, 803j, 803k, 803l, 803n, and 803o (MCL 257.803e, 257.803f, 257.803j, 257.803k, 257.803l, 257.803n, and 257.803o), section 803e as amended by 2003 PA 30, section 803f as amended by 1998 PA 68, sections 803j, 803k, 803n, and 803o as amended by 1999 PA 183, and section 803l as amended by 2000 PA 77.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Toy, Schauer, Birkholz, Kuipers, Goschka, Hardiman, Garcia, Basham and Olshove introduced  
**Senate Bill No. 1283, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Kuipers, Goschka, Cropsey, Hammerstrom and Birkholz introduced  
**Senate Bill No. 1284, entitled**

A bill to amend 1984 PA 323, entitled "The health care false claim act," by amending section 4 (MCL 752.1004).

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Olshove, Basham, Patterson, Allen and Schauer introduced  
**Senate Bill No. 1285, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 252a.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

**House Bill No. 5243, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as added by 2003 PA 266.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

### Statements

Senator Scott asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I am feeling really good today. I watched with great excitement last night as our Detroit Pistons pulled out a victory, taking them to the NBA Finals, and I was upbeat and feeling good about an article this week describing the many great attractions that the city of Detroit has to offer—attractions that prove valuable not only for the citizens who live there, but also for the many visitors from the suburbs and other parts of the state and those who come from out-state as well. Indeed, Detroit does have a lot to offer. How can we not be excited about future sporting events that include the 2005 baseball All-Star game, the 2006 Super Bowl, and the NCAA basketball Final Four in 2009? We have the Detroit Institute of Arts, the Detroit Symphony, and Fox Theatre.

Detroit is home to many top-notch restaurants and other entertainment spots, and yet, there remains one important issue that is near and dear to me that must be addressed for my constituents and for all the citizens of Detroit. And that issue, my friends, is much needed insurance reform. I have made a promise to many of my constituents that I will not back down, and I will continue to fight until we see some relief in our auto and homeowners insurance.

A conversation I had this week with a local car dealer reinforced my need to carry out this important work. He told me that he wanted to work with me on this issue and that he continues to hear from potential buyers about their concerns and frustrations with astronomical insurance premiums. He understands the need for action now.

So I will continue my mission. I will continue to fight for the citizens of Detroit and this state—a vibrant Detroit with so much to offer. Let's do something for the citizens who live there by providing some relief with their increasing insurance costs.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 1244, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8102) by adding section 3619.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 1, line 5, after "**heirs**" by striking out the balance of the line through "**decisions**" on line 6.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill and the amendment recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 1261, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 6111 (MCL 500.6111), as added by 1992 PA 174.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 1262, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 422 (MCL 330.1422), as added by 1995 PA 290.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 1263, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter IV (MCL 764.1), as amended by 1990 PA 41.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5494, entitled**

A bill to create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission and monument fund.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5647, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 3 of chapter XI (MCL 771.1 and 771.3), section 1 as amended by 2002 PA 666 and section 3 as amended by 2003 PA 101.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.



The Committee on Judiciary reported

**House Bill No. 5674, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 4a, 16a, and 31 of chapter IX and section 56 of chapter XVII (MCL 769.4a, 769.16a, 769.31, and 777.56), section 4a of chapter IX as amended by 2001 PA 208, section 16a of chapter IX as amended by 2001 PA 204, section 31 of chapter IX as amended by 2002 PA 31, and section 56 of chapter XVII as added by 1998 PA 317.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5716, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 6 and 18 of chapter XIII (MCL 712A.6 and 712A.18), section 6 as amended by 1996 PA 409 and section 18 as amended by 2004 PA 102.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5928, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 350a and 430 (MCL 750.350a and 750.430), section 350a as amended by 1996 PA 14 and section 430 as amended by 2003 PA 235.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5932, entitled**

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2002 PA 694.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 1, 2004, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Patterson, Schauer, Bernero and Brater

Excused: Senator Sanborn

**COMMITTEE ATTENDANCE REPORT**

The Committee on Education submitted the following:

Meeting held on Thursday, May 27, 2004, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

**COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:

Meeting held on Tuesday, June 1, 2004, at 2:07 p.m., Room 100, Farnum Building

Present: Senators Cassis (C), Garcia, McManus and Thomas

Excused: Senator Brater

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, June 3, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Local, Urban and State Affairs** - Thursday, June 3, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 3:10 p.m.

The Secretary of the Senate declared the Senate adjourned until Thursday, June 3, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate